

OPINION
63-139

January 15, 1963 (OPINION)

GAME AND FISH DEPARTMENT

RE: License - Buyer of Green Furs

This will acknowledge receipt of your letter dated January 11, 1963, requesting an official opinion as to the application of Sections 20-03-25 and 20-03-26, NDCC, to buyers of green furs from animals not protected under the Game and Fish laws of this state, such as rabbit, coon and fox.

Section 20-03-25, NDCC, specifically prohibits any person from engaging in the business of buying or shipping green furs in this state unless he first shall have obtained a license so to do from the commissioner. Section 20-03-26 requires that a person engaged in the business of buying or shipping green furs shall keep certain records.

Neither of the above quoted sections indicate that only green furs from protected species of fur bearing animals is intended. We, therefore, are of the opinion that any person who acts as a buyer or shipper of any green furs including rabbit, coon or fox fur must have a license to do so and must keep the required records.

You have also asked for the opinion of this office as to the application of these sections to a person who has possession of a number of green furs and claims to be acting as the representative of the seller of the furs.

We call your attention to the definition in subsection 5 of Section 20-01-01 which provides that no violation of any provision of this title shall be excused because the prohibitive act was done as the agent or employee of another, nor because it was committed by or through an agent or employee of the person charged. It would appear that any person who acts as an agent of a buyer, in any manner, would, under the provisions of Section 20-03-25, be required to be licensed to act in such capacity. It would be a matter of proof as to whether the agent is acting for the buyer or for the seller. All circumstances in detail surrounding such activity should be presented to the state's attorney for his consideration in such case.

HELGI JOHANNESON

Attorney General